

REMARKS

Claims 3, 7-11, 18-21, 24-27, 32, 33, 35 and 36 are pending in this application. By this Amendment, claims 1, 2, 4-6, 12-17, 22, 23, 28-31 and 34 are canceled, claims 3, 7-9, 11, 18-21, 24-27, 32 and 33 are amended and claims 35 and 36 are added.

The Office Action rejects claims 1-6 and 8-34 under 35 U.S.C. 102(a) as being allegedly anticipated by European Patent No. 1,098,522 to Stone et al. ("Stone"). In addition, the Office Action rejects claim 7 under 35 U.S.C. 103(a) as being unpatentable over Stone in view of PCT Patent Publication WO 97/48212 to Kari et al. ("Kari").

By this Amendment, new independent claims 35 and 36 describe subject matter pertaining to communication between first and second communication devices, wherein the first communication device transmits a message to the second communication device. Furthermore, the claims now emphasize that the first communication device generates information (signature information) concerning the communication capabilities of the first device and includes this information in the data stream that is transmitted from the first device to the second device. The second device receives the data stream and extracts this information to determine the communication capabilities of the first device. The second device negotiates parameters for communicating with the first device, and subsequent messages received from the first are processed based on those parameters.

Stone describes a technique that involves including a material identifier into video and/or audio and/or data material. The identifier identifies the material and may also identify the owner of the material. In addition, Stone describes that the identifier links the material to a database containing metadata about the material.

By contrast, the present invention as now described in the claims is directed to enabling two communication devices to negotiate parameters used for communicating a data stream between the two devices. While Stone suggests watermarking as a method to indicate parameters of content or material data produced by a device, Stone is not concerned with enabling communication between first and second devices. Furthermore, Stone is not concerned with including information in a data stream to be transmitted from the first device to the second, where such information indicates at least one


communication capability of the first device so that the second device can determine how to communicate with, and in particular, process the data stream received from the first device.

Kari is merely directed to compression algorithms and adds no additional teaching that is relevant to the subject matter of the claims, as amended herein.

The dependent claims pending in this application have been amended to be consistent with new independent claims 35 and 36. They focus on facilitating communication between two devices by transferring from a first device to a second device information indicating communication attributes of the first device. For these reasons, it is respectfully submitted that claims 3, 7-11, 18-21, 24-27, 32, 33, 35 and 36 are allowable.

Based on the foregoing, it is respectfully submitted that the present application is in condition for allowance. Favorable action is respectfully solicited. The Examiner is cordially invited to telephone the undersigned with any questions or comments in order to expedite prosecution of this application.

Respectfully submitted,



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